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10/619,555	07/16/2003	Zecnat Jetha	188821-368917	5946
27155 7590 09/25/2007 MCCARTHY TETRAULT LLP BOX 48, SUITE 4700, 66WELLINGTON STREET WEST TORONTO, ON M5K 1E6 CANADA			EXAMINER TERMANINI, SAMIR	
			ART UNIT 2178	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/619,555

Applicant(s)

JETHA ET AL.

Examiner

Samir Termanini

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/16/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>N/A</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

BACKGROUNDS

1. This Final Office Action is responsive to the following communications:
Request for Continued Examination (R.C.E.) filed on 7/16/2007.
2. Claims 1-33 are pending. Claims 1 and 25 are independent in form.
Applicant amended claims 1 and 15.

RESPONSE TO AMENDMENT

3. Arguments concerning the Examiner's Rejection of Claims 1-4, 8, 10-20, and 22 under 35 U.S.C. § under 35 U.S.C. 103(a) as being unpatentable over *Nelson et al.* (US 2003/0179237 A1) in view of *Dürsteler*, The digital magazine of InfoVis.net, published 4/22/2002 in the previous Office Action (Mail dated: 5/1/2007) have been fully considered but they are not persuasive.
4. Arguments concerning the Examiner's Rejection of Claims 5-7, 9, 21, and 23-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nelson et al.* in view of *Dürsteler* and as applied to claim 4 and further in view of Idelix Software Inc. Presentation for CGDI Workshop May 2002 ("*CGDI*") have been fully considered but they are not persuasive.

CLAIM REJECTIONS - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-4, 8, 10-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over The digital magazine of InfoVis.net, published 4/22/2002, (hereinafter "*Dürsteler*"), in view of *Nelson et al.* (US 2003/0179237 A1).

I. Scope of the Prior Art and the Level of Ordinary Skill¹

For clarity, the Examiner is reproducing *Dürsteler's* Lens and Figure 4 of Applicants' Specification below:

¹ "Factors that may be considered in determining level of ordinary skill in the art include (1) the educational level of the inventor; (2) type of problems encountered in the art; (3) prior art solutions to those problems; (4) rapidity with which innovations are made; (5) sophistication of the technology; and (6) educational level of active workers in the field." *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 696, 218 USPQ 865, 868 (Fed. Cir. 1983), cert. denied, 464 U.S. 1043 (1984).

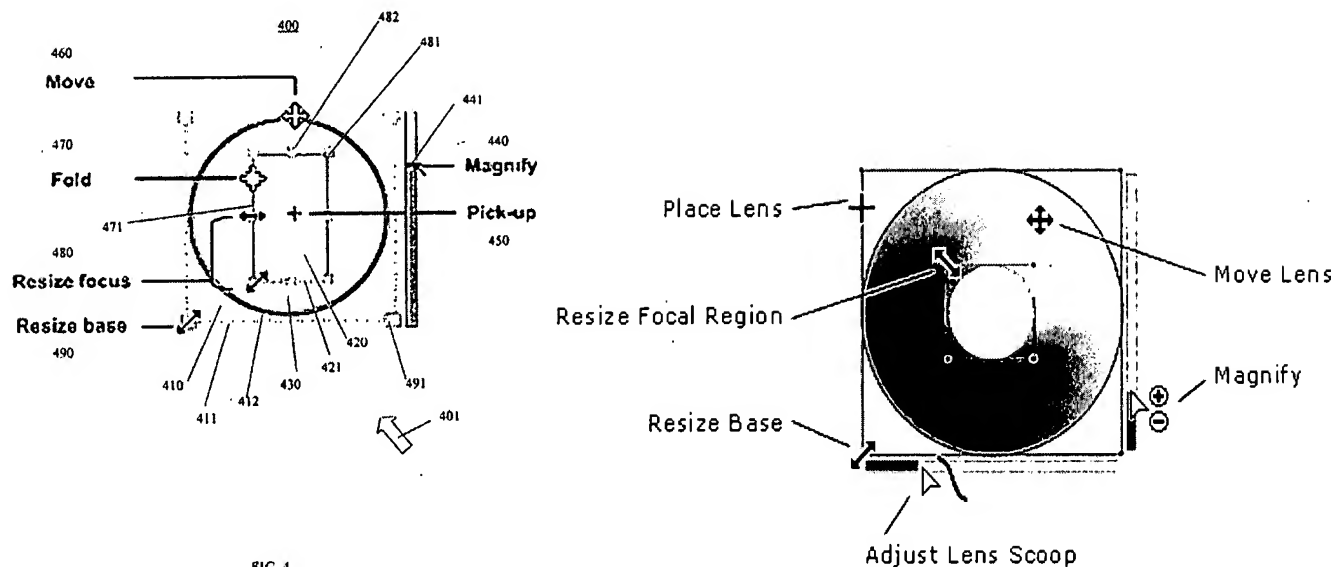


FIG. 4

Fig. 4 of Applicant's Specification

Dürsteler's Lens

Adjacent to *Dürsteler's Lens* is the following excerpt,

In order to understand this technology better it's worth downloading some of the demos. One of them allows us to edit an image, drawing onto it combining the lens with the edition so that we have higher accuracy and control in the center of the lens.

(emphasis added). Accordingly, with reference to *Dürsteler's Figure*, the Examiner finds that *Dürsteler* teaches editing through a lens while it is combined (i.e. attached) at its center, with respect to editing an image.

II. Obviousness and Analysis of Claimed Differences

As to independent **claim 1**, *Dürsteler* describe(s): distorting the original image to produce a distorted region for the object being positioned at an initial position within the original image ("...distortion of the periphery...", p. 1), the distorted region including magnification of at least a portion of the object ("...of the zone of constant

magnification...," p. 1); receiving a signal for dragging the object with the distorted region from the initial position ("...placing a lens...," p. 1), to a desired position within the original image (see the "Move Lens" mouse signal indicator in bottom left-hand side figure on p. 1); and, receiving a signal for dropping the object at the desired position (see the "Place Lens" mouse signal indicator in bottom left-hand side figure on p. 1), whereby the distorted region with the magnification facilitates accurate positioning of the object at the desired position ("...so that we have higher accuracy and control in the center of the lens...." p. 1).

Notwithstanding several suggestions therein, *Dürsteler* does not expressly teach that the method for positioning a selected object in an original image is done through the lens. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have adjusted the distortion through a GUI overlay because *Nelson et al.* is directed toward the same field of endeavor of *Dürsteler*: "display information within a confined display area" (*Nelson et al.*, para. [0002]) so that one can "view, manipulate, and otherwise manage information" (*Nelson et al.*, para. [0002]). Furthermore, to the same particular problem sought be solved, ("According to another aspect, the invention comprises a graphical user interface ("GUI") which includes a graphical display surface, and a graphical object, displayable on the graphical display surface [i.e. lens], wherein the graphical object may be manipulated in a non-uniform manner." para. [0014]). Still further, *Dürsteler* expressly suggests that it is desirable to use its interface with layers ("...to make appear new information layers depending on the magnification at a particular point..." pp. 1) as reciprocated in *Nelson et al.*

Art Unit: 2178

("...objects may be attached at a corner, at a point along the edge, at an interior point, at multiple points, continuously along an edge, throughout a specified region, any combination of the above, or across the entire object...if an object is attached at one corner, lifting, folding, etc. may occur at the far corners of the object." para. [0088]-[0089]).

As to dependent claim 2, *Dürsteler* teach the limitations previously discussed with respect to claim 1 above, further comprising that the distorting further includes applying a distortion function to the original image to produce the distorted region by displacing the original image onto the distortion function and projecting the displaced original image onto a plane ("...a transformation to the image so that a part of the same, the one that is in our focus, is enlarged..." p. 1). *Dürsteler* does not expressly teach that the method for positioning a selected object in an original image is done through the lens. *Nelson et al.* teaches a method for positioning a selected object in an original image for display on a display screen ("...moving the object into view...", para. [0072]). Thus, the combination of *Dürsteler* and *Nelson et al.* meet the claimed limitations for the same reasons set forth in the discussion of claim 1 above.

As to dependent claim 3, *Dürsteler* teach the limitations previously discussed with respect to claim 2 above, further comprising displaying a graphical user interface over a distorted region for receiving one or more signals for adjusting the distortion function (Fig. toward bottom on pp. 1; see also, pp. 1, first set of 4 Figs mid-page). *Nelson et al.* teach the dragging and dropping as discussed with respect to claim 2,

above. *Nelson et al.* does not show the step of creating to include displaying a graphical user interface over the a distorted region for adjusting a lens surface.

As to dependent claim 4, *Nelson et al.* and *Dürsteler* teach the limitations of claim 3, above. *Dürsteler* further teaches that the lens surface includes a focal region (pp. 1, see Figure towards bottom) and a base region (pp. 1, Figure towards bottom) and the GUI includes: a slide bar icon for adjusting a magnification for the lens surface (pp. 1, Figure towards bottom); a slide bar icon for adjusting a degree of scooping for the lens surface (pp. 1, Figure towards bottom); a bounding rectangle icon with at least one handle icon for adjusting a size and a shape for the focal region (pp. 1, see Figure towards bottom); a bounding rectangle icon with at least one handle icon for adjusting a size and a shape for the base region (pp. 1, Figure towards bottom); a move icon for adjusting a location for the lens surface within the original image (pp. 1, see Figure towards bottom); a pickup icon for adjusting a location for the base region within the original image (pp. 1, see Figure towards bottom); and, a fold icon for adjusting a location for the focal region relative to the base region (pp. 1, Figure towards bottom). Thus, the combination of *Dürsteler* and *Nelson et al.* meet the claimed limitations for the same reasons set forth in the discussion of claim 3 above.

As to dependent claims 8 and 10, *Dürsteler* in view of *Nelson et al.* teach the limitations of claim 4, above. However, *Nelson et al.* does not show that the dragging, dropping, and adjusting by a user pointing device. *Dürsteler* further teaches that the dragging, dropping, and adjusting are performed by moving a cursor on the display

with a pointing device (editing and image pp. 1, see also mouse cursor icon, pp. 1 Figure towards bottom).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the GUI shown in *Nelson et al.* with *Dürsteler* because, in the same field of endeavor, *Nelson et al.* teaches the use of a mouse ("Current GUIs typically utilize some type of a control device, such as a mouse, or touch sensitive screen, to manipulate text, images, and other objects on a display screen. These objects may include icons, windows, menus, and other images which are frequently displayed through the use of computer programs." para. [0002]) being used in the same way for the same purpose ("by direct manipulation...e.g., drag and drop..." para. [0094]).

As to dependent claims 11–12, which depends from claim 1, *Dürsteler* further disclose(s): the method of claim 1 wherein the distorted region is on and overlaps the object (see lens in bottom left-hand side figure on p. 1).

As to dependent claim 13, which depends from claim 1, *Dürsteler* further disclose the method of claim 1 wherein the object is a selection from the original image on the top of page 1.

As to dependent claim 14, which depends from claim 1, *Dürsteler* further disclose(s): the method of claim 1 wherein the object is an icon (see p. 5).

As to dependent claims 15–20, and 22, *Dürsteler* in view of *Nelson et al.* teach the limitations of claim 1, above. However, *Dürsteler* does not clearly show that he object

can either be a text selection or from an external source other than the original image. *Nelson et al.* further teach that the object can either be a text selection ("to manipulate text" para. [0002]) or from an external source other than the original image ("network updates on a displayed object" para. [0048]) cutting (pointing input device at predefined or user-selected cut points," para. [0055]), and dropping includes pasting, an object into the original image ("paste" para. [0051]); the display is a touchscreen display ("touch sensitive screen" para. [0002]) of a photograph processing workstation ("PhotoShop" para. [0049]) as a kiosk (Fig. 7).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the GUI shown in *Nelson et al.* with *Dürsteler* because, *Nelson et al.*, inter alia, teach various ways to interact through an attached distorted region for affecting context sensitive direct manipulations ("Attachment of display objects in a GUI according to an embodiment of the present invention may happen in a variety of ways. Where a display object gets attached determines the kinds of direct manipulation that may most easily be applied to the object" para. [0088]). Additionally, *Nelson et al.* show that such iconic manipulations are an expected benefit of *Dürsteler's* digital system ("A common characteristic of typical GUI's is the implicit design assumption of arranging display elements windows, panes in window, objects in panes, icons, etc. with a regularity that is easily accomplished in a digital system." para. [0003]).

8. **Claims 5-7, 9, 21, and 23-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nelson et al.* in view of *Dürsteler* and as applied to claim 4 above,

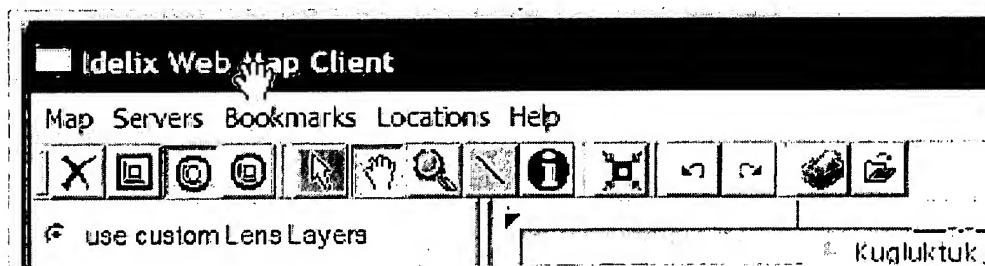
Art Unit: 2178

and further in view of Idelix Software Inc. Presentation for CGDI Workshop May 2002 ("*CGDI*").

As to dependent claims 5-7, and 21, *Nelson et al.* in view of *Dürsteler* teach the limitations of claim 4, set forth above. However, *Nelson et al.* in view of *Dürsteler* fails to show that the GUI further includes an attached toolbar including function selection icons, function status icons, and an icon representing the object. *CGDI* is cited for teaching the that the GUI further includes an attached toolbar (see toolbar pp. 12) including function selection icons (e.g. arrow, pp. 12, 14, and 15), function status icons (e.g. indented icons indicating status, pp. 12; see also bottom and layer icons, pp. 12, 14, and 15), and an icon representing the object (e.g. see object icon pp. 12, 14, and 15). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the attached toolbar including function selection icons with *Nelson et al.* in view of *Dürsteler* because *CGDI* expressly teaches the advantages in combining *Nelson et al.* and *Dürsteler*, and the "In-place lens user interface" of *CGDI* for the advantage of efficiency in view of the fact that it "Decreases zoom in and zoom out operations, Efficient way to locate and edit information" (*CGDI*, pp. 13) and further to "Improve visual data exploration interface, Enhance current viewing capabilities" (*CGDI*, pp. 4) so that there is "No loss of detail or context, Visually continuous, Easy to follow, All in one window, Intuitive to use" (*CGDI*, pp. 10).

As to dependent claim 9, *Dürsteler* further teach the method of claim 5 wherein the toolbar includes at least one of: a pyramidal lens icon for selecting a distortion function having a square base region and a square focal region; a circular based lens

icon for selecting a distortion function having a circular base region; a circular focused lens icon for selecting a distortion function having a circular focal region; a pointer icon for selecting points in the original image; a hand tool icon for selecting a view area in the original image;-4-a zoom tool icon for zooming into or away from the object; a measuring tool icon for initiating a measurement function; a help tool icon for initiating a user help function; a continuation arrow icon for indicating and scrolling additional toolbar icons into view; a delete icon for deleting the object; a printer icon for selecting and indicating a status of a print function; a floppy disk icon for selecting and indicating a status of a save function; a redo icon for selecting a redo function; an undo icon for selecting an undo function; a resize base icon for selecting a predefined base region resizing function; and, a resize focus icon for selecting a predefined focal region resizing function (see *Dürsteler*: fig. 14 and 15 below).



(p. 14 , *Dürsteler*)



(p. 15 , *Dürsteler*)

Thus, the combination of *Dürsteler*, *Nelson et al.* and *CGDI* meet the claimed limitations for the same reasons set forth in the discussion of claims 5–7, and 21 above.

As to dependent claims 23 and 24, *Dürsteler* further teaches a toolbars that are translucent and transparent that allowing observation of the original image through the toolbar (see magnify tool bar, containing two function icons, on the right-hand side, pp. 1 Figure towards bottom). Thus, the combination of *Dürsteler*, *Nelson et al.*, and *CGDI*, meet the claimed limitations for the same reasons set forth in the discussion of claim 5 above.

9. Claims 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Idelix Software Inc. Presentation for CGDI Workshop May 2002 (“*CGDI*”) in view of The digital magazine of InfoVis.net, published 4/22/2002, (“*Dürsteler*”).

As to independent claim 25, *CGDI* teaches a method for a presentation of a region-of-interest on a display screen (see pp. 12), the region-of-interest comprising: displaying a toolbar over the region-of-interest with means for selecting at least one parameter for adjusting a distortion function the region-of-interest (see toolbar above, pp. 12, 14, and 15), the focal region (see toolbar above, pp. 12, 14, and 15), having an operable focal and base region (see toolbar above, pp. 12, 14, and 15); transforming the in accordance with a predetermined distortion function and the at least one parameter through the toolbar, the original image transformed (e.g. pp. 12, 14, and 15). *CGDI* does not show selecting the at least one parameter from the toolbar with a pointing device. *Dürsteler*, teaches selecting the at least one parameter from the toolbar with a pointing

device (mouse pointer icon for selecting parameters, pp. 1, see Figure towards bottom). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the mouse pointer shown in *Dürsteler* with *CGDI* because both are directed toward identical Pliable Display Technology, being deployed in identical ways, for accomplishing identical objects, of identical problems.

As to dependent claim 26, *CGDI* teaches the limitations of claim 25, further comprising at least one parameter includes a shape for the focal region (pp.14) and a shape for the base region (pp.14). *CGDI* does not show that least one parameter includes: a magnification for the region-of-interest ; a size for the focal and base region; a degree of scooping between the focal and base regions a location for the region-of-interest within the; and a location for the focal region relative to the base region a location for the base region within the original image. *Dürsteler* teaches at least one parameter includes: a magnification for the focal region (inner and outer squares, pp. 12; magnify pp. 1, see figure towards bottom); a size for the focal region (resize focal region pp. 1, see figure towards bottom); a size for the base region (resize base, pp. 1, see figure towards bottom); a degree of scooping between the focal and base regions (“adjust lens scoop,” pp. 1, see Figure towards bottom) a location for the region-of-interest within the (“move lens”, pp. 1, see Figure towards bottom); a location for the focal region relative to the base region (resize focal, pp. 1, see Figure towards bottom) a location for the base region within the original image (pp. 1, see Figure towards bottom). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the mouse pointer shown in *Dürsteler* with *CGDI*

because both are directed toward identical Pliable Display Technology, being deployed in identical ways, for accomplishing identical objects, of identical problems.

As to dependent claim 27, *CGDI* further teaches that the toolbar includes at least one lens icon for selecting the at least one parameter (three lens icons on the toolbar and one lens layer radio, pp. 14).

As to dependent claim 28, *CGDI* further teaches that least one lens icon represents the distortion function (pp. 14).

As to dependent claim 29, *CGDI* further teaches that at least one lens icon includes a pyramidal (2nd from left pp. 14) lens icon for its distortion parameter (having a square base region and a square focal region), a circular based lens icon for its distortion parameter (3rd from left, pp. 14), and a circular focused lens icon for its distortion parameter (circular focal region) (4th from left, pp. 14).

As to dependent claim 30, *CGDI* further that the toolbar includes: a pointer icon for selecting points in the image (5th from left, pp. 14); a hand tool icon for selecting a view area in the image (6th from left, pp. 14); a zoom tool icon for zooming into or away from the region-of-interest (7th from left, pp. 14); a measuring tool icon for initiating a measurement function (8th from left, pp. 14); a help tool icon for initiating a user help function (9th from left, pp. 14); a continuation arrow icon for indicating and scrolling additional toolbar icons into view (10th from left, pp. 14); a delete icon for deleting the (1st from left, pp. 14); a printer icon for selecting and indicating a status of a print function (13th from left, pp. 14); a floppy disk icon for selecting and indicating a status of a save function (3rd from left, pp. 15); a redo icon for selecting a redo function (12th from left, pp. 14); an

undo icon for selecting an undo function (11th from left, pp. 14); a resize base icon for selecting a predefined base region resizing function; and, a resize focus icon for selecting a predefined focal region resizing function (pp. 14 and 15).

As to dependent claim 31, *CGDI* further teaches that the toolbar is a horizontal toolbar (pp. 12, 14, and 15).

As to dependent claims 32, *CGDI* teaches the limitations of claim 30 but does not show that the toolbar is a vertical toolbar. *Dürsteler* teaches a vertical tool bar (magnify + and magnify -, pp. 1, see Figure towards bottom). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the vertical toolbar in *Dürsteler* with *CGDI* because both are directed toward identical Pliable Display Technology, being deployed in identical ways, for accomplishing identical objects, of identical problems.

As to dependent claims 33. *CGDI* further teaches toolbars distributed over boundaries of the base and focal regions (scoop toolbar and magnify toolbar, 12, 14, and 15).

RESPONSE TO ARGUMENTS

7. Applicant arguments, see pp. 13-14 filed 7/16/2007, with respect to the 35 U.S.C. §103 Rejections cited by the Examiner in the previous Office Action (Mail dated: 5/1/2007), have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained.

Applicant argues:

Art Unit: 2178

Dursteler does not teach or suggest the dragging of an object in the original image to which a lens has been applied as the Examiner suggests. The "Move Lens" icon in Dursteler is for moving the lens to a new position in the original image while displaying the entire lens during movement. The "Move Lens" icon of Dursteler cannot be used to move an object in the original image. This icon is fully described in the Applicant's United States Patent No. 7,197,719. As such, Dursteler does not teach or suggest that element of amended Claim 1 that recites: "receiving a signal for dragging said object with said distorted region from said initial position to a desired position for said object within said original image".²

In response to applicant's arguments against *Dursteler* and *Nelson et al.*, individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.³ More specifically, *Nelson et al.*, was the reference that taught, the direct manipulation features that applicant is now arguing *Dursteler* lacks. This holds true for the, first through fourth, points of applicants argument.⁴

Applicant argues, "Fifth, given the fourth comment above, the Examiner has not provided an adequate reason for combining Dursteler and Nelson."

In response the examiner respectfully submits:

Even though *Dursteler* does not expressly teach that the method for positioning a selected object in an original image is done through the lens, *Nelson et al.* teaches the claimed editing *via* direct manipulation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the editing method taught in *Nelson et al.* with the lens taught in *Dursteler* because selecting objects (para.

² Applicant's REMARKS (7/16/2007) at p. 13

³ See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Art Unit: 2178

[0053]) in images is recognized by *Nelson et al.* to be advantageously suitable for use with drag and drop (i.e., direct manipulation management; para. [0050]). Further more, the type of transforms taught by *Nelson et al.* ("fish eye," para. [0051]) is exactly same as the one used in *Dürsteler*. Still further, one skilled in the art, having common knowledge and common sense⁵, would reasonably be expected to draw the inference from *Nelson et al.* that the transformation can be applied dynamically via a lens⁶ ("These image transformations may be applied based on dynamic user input or other dynamic processes, such as simultaneous programs or other autonomous agents.," para. [0050]). Especially in view of the motivation for an "...advancement in the art to provide a system and method which allows objects to be arranged, displayed, and manipulated in a non-uniform manner...," (para. [0011]).

CONCLUSION

8. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

⁴ Applicant's REMARKS (7/16/2007) at p. 13-14

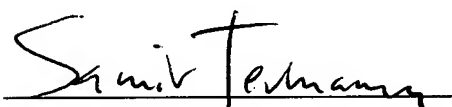
⁵ *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969) ("Having established that this knowledge was in the art, the examiner could then properly rely, as put forth by the solicitor, on a conclusion of obviousness 'from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference.'"); *see also In re Hoeschele*, 406 F.2d 1403, 1406-07, 160 USPQ 809, 811-812 (CCPA 1969) ("[I]t is proper to take into account not only specific teachings of the references but also the inferences which one skilled in the art would reasonably be expected to draw therefrom. . .").

⁶ "[I]n *Sakraida v. AG Pro, Inc.*,...the Court derived from the precedents the conclusion that when a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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